

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

REMARKS

Claims 1-23 and 25-38 are pending and stand rejected.

Applicants have reviewed the Office action, including the Examiner's remarks and the references cited therein. Applicants submit that the following remarks are fully responsive to the Office action, and that all pending claims are patentable over the cited references.

In addition, Applicants believe that the Examiner would benefit from a demonstration of the claimed invention. Applicants will contact the Examiner to schedule an in-person interview.

Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 1-9, 11-18, 21, 22, 34, 37, and 38 under 35 U.S.C. § 102(a) as anticipated by "Position-Annotated Photographs: A Geotemporal Web" ("Spinellis"). To be anticipatory, a single prior art reference must explicitly or inherently teach each and every element of the claimed invention. MPEP § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Applicants respectfully submit that Spinellis fails to meet this standard.

Claim 1 recites "automatically arranging the geo-coded content items on the selected map based on the geographic coding thereof . . ." (Emphasis added.) As explained in detail in the specification, a geo-coded content item is a content item that is "associated with location metadata that indicates there is a relationship between the content item and a location." Specification, para. [0058].¹ That is, a geo-coded content item combines the content item itself with location information describing the content item. For example, a digital photograph encoded with the latitude and longitude of where the photograph was taken is a geo-coded content item. Geo-coded content items are then automatically arranged on a map "such that each content item is on or near its associated geographic location." *Id.*, para. [0075]. For example, the digital

¹ Paragraph references are to the application as published. United States patent application publication no. 2005/0216464 (Sept. 29, 2005).

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

photograph used as an example above (or a representation thereof) would be placed at the corresponding latitude and longitude on a map.

Thus, in some embodiments, the present invention includes (1) at least one content item having location metadata; and (2) a map encompassing the location of the content item, wherein (3) the content item is displayed on the map according to its location metadata.

These aspects of the present invention are illustrated, for example, in the sample geographic travelogue depicted in Figures 1-3 below.

- Figure 1 depicts a content item (e.g., a digital photograph). As shown in the superimposed “More Info” window, this digital photograph includes geo-coding metadata (e.g., associated GPS coordinates).
- Figure 2 depicts a representative user interface suitable for importing content items. Along the left-hand side are various content items, each of which includes an option to “Edit & Geotag.” The right-hand side includes a map encompassing the area of the geo-coded content item shown in Figure 1. This map includes an automatically-generated icon marking the location of the geo-coded content item shown in Figure 1.
- Figure 3 depicts a map with a plurality of geo-coded content items automatically arranged thereon based on their associated location metadata. Each content item can be expanded simply by hovering over it with the mouse.

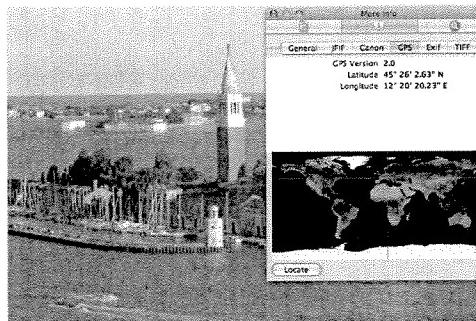


FIGURE 1: Geocoded Content Item

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

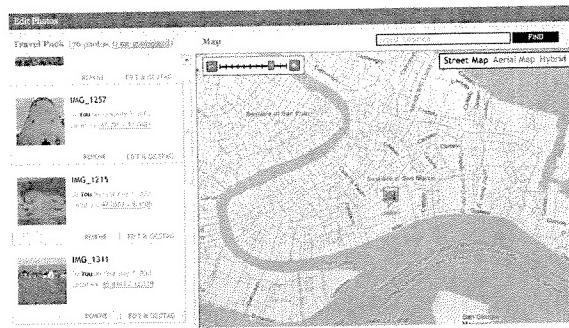


FIGURE 2: User Interface

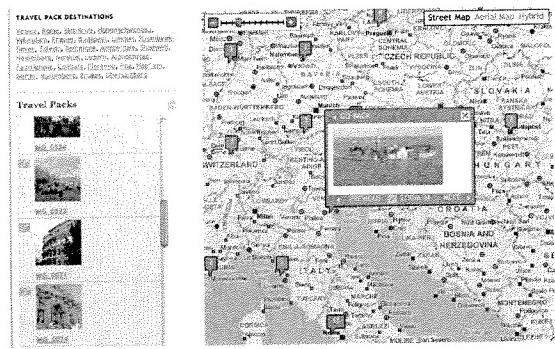


FIGURE 3: Automatically Arranged Geo-Coded Content Items

In contrast, Spinellis does not teach the claimed invention. In particular, Spinellis does not teach “automatically arranging geo-coded content items on the selected map based on the geographic coding thereof[.]” Quite to the contrary, Spinellis teaches maps and geo-coded content items *displayed separately*. The teachings of Spinellis are clear from the sample Spinellis travelogue available at <http://www.spinellis.gr/gtweb/Chalkidiki>. Figure 4, below, is the home page for the sample Spinellis travelogue, depicting overview maps and a series of links to other travelogue content. It is clear from the home page that no geo-coded content is arranged on the depicted maps.

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

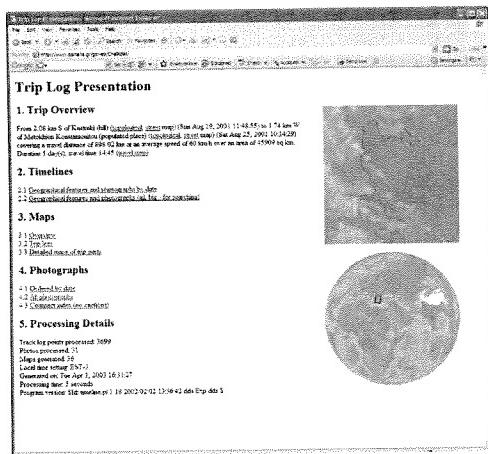


FIGURE 4: Sample Spinellis Travelogue Home Page

Figures 5 and 6 illustrate, respectively, the sample Spinellis travelogue maps and geo-coded content items (e.g., photographs), accessible from the home page shown in Figure 4. Again, it is clear that, unlike the present invention, Spinellis does not arrange geo-coded content on a selected map.

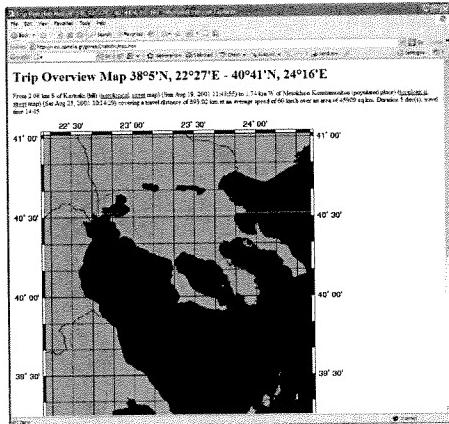


FIGURE 5: Sample Spinellis Travelogue Map

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

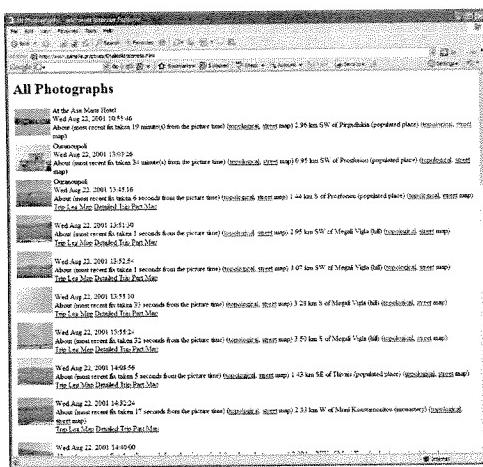


FIGURE 6: Sample Spinellis Travelogue Geo-Coded Content

The Examiner asserts that Fig. 4 of Spinellis illustrates that “the geo content items (which further includes place names of locations visited) are automatically arranged on the selected map” Office action, p.4. Applicants respectfully disagree. Fig. 4 of Spinellis merely illustrates that a map, which includes place names, may be *time coded* with the times at which those places were visited. Neither the place names nor the times are themselves “geo-coded content items,” as Spinellis does not teach that they are “somehow associated with *location metadata* that indicates there is a relationship between the content item and a location.” Specification, para. [0058] (emphasis added).

As one of ordinary skill in the art would recognize, the place names are merely parts of the map itself, and are not arranged based on location metadata, much as a map of the District of Columbia (e.g., Figure 7) integrally includes street names and monuments thereon:

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

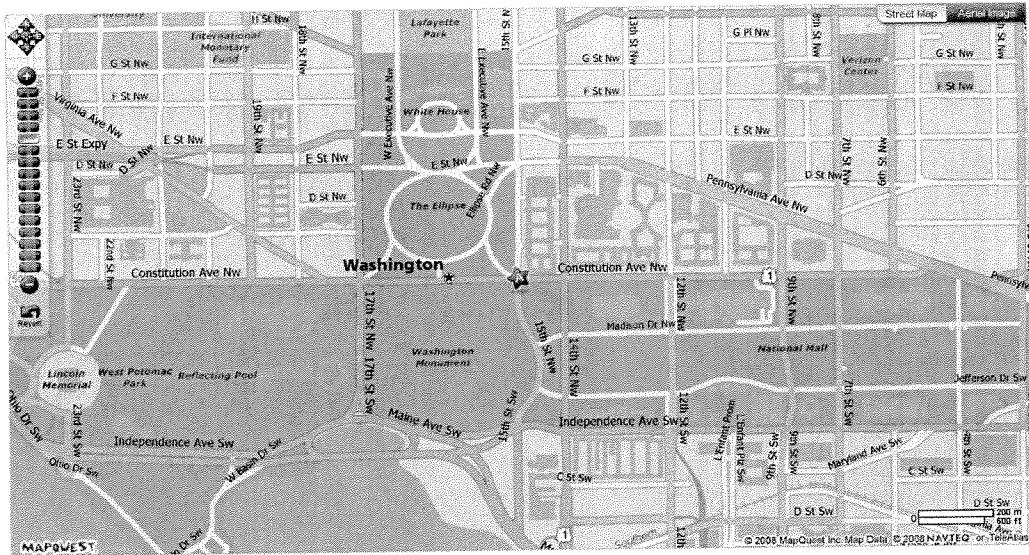


FIGURE 7: Map of DC

Further, Spinellis makes clear that the *place names* are encoded with *time data*, not the *times* encoded with *location data*. E.g., Spinellis, p.72 (“Each detailed map shows the route traveled and geographic features ... annotated with the time they were approached”) (emphasis added). Thus, if a tourist were to visit the Lincoln Memorial, the Washington Monument, and the White House, his or her map of DC could be marked up such that each *location* is associated with the *time it was visited*. That is, the *locations* could be *time coded* (as pointed out by the arrows in Figure 8, below). One of ordinary skill in the art would recognize that the *times* are not *location coded*. In other words, in Spinellis, the times are metadata as to the locations, not vice versa.

Application No. 10/810,376
 Office action dated May 14, 2008
 Response dated November 12, 2008

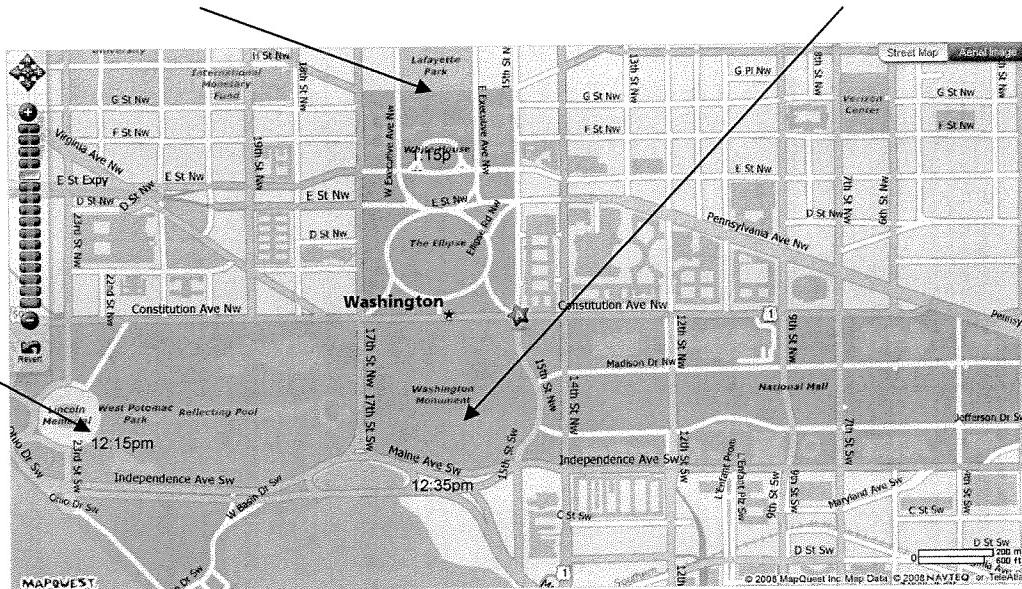


FIGURE 8: Time Coded Map of DC

If, at each location, the tourist took pictures or made a journal entry describing the location, and then associated the pictures and/or journal entries with location data, the pictures and/or journal entries would be “geo-coded content items.” The claimed invention would “automatically arrang[e]” these items on the map of DC. Spinellis, on the other hand, clearly teaches that the pictures and/or journal entries are displayed *separate from* the map. *E.g.*, Spinellis, Fig. 3; Figures 4-6, *supra*.²

For at least the foregoing reasons, Applicants therefore submit that Spinellis fails to teach “automatically arranging the geo-coded content items on the selected map” as recited in claim 1. The remaining independent claims contain similar recitations.³ Accordingly, Applicants respectfully contend that Spinellis fails to teach each and every element of, and therefore cannot anticipate, claims 1, 13, 37, and 38.

² The Examiner may be reading Fig. 3 of Spinellis as part of Fig. 4 of Spinellis. Properly read, Fig. 3 of Spinellis includes only the journal entries, while Fig. 4 of Spinellis includes only the map with time-annotated place names.

³ Claim 13 recites “automatically arranging the geo-coded content items on the selected maps[;]” claim 37 recites “a content item and map layout processor configured to automatically arrange the geo-coded content items on the selected map[;]” and claim 38 recites “automatically arranging the at least one previously geo-coded content item on the selected map based on the geographic coding thereof.”

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

Claims 2-9, 11, and 12 depend from claim 1, while claims 14-18, 21, 22, and 34 depend from claim 13. The dependent claims are allowable for at least the same reasons as the independent claims from which they depend are allowable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(a).

Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 10, 23, 27-29, and 31 under 35 U.S.C. § 103 as obvious over Spinellis in view of United States patent application publication no. 2003/0033296 to Rothmuller (“Rothmuller”). Claims 19, 25-26, and 35 are rejected as obvious over Spinellis in view of United States patent no. 6,321,158 to DeLorme et al. (“DeLorme”). Claims 20 and 32 are rejected under 35 U.S.C. § 103 as obvious over Spinellis in view of United States patent application publication no. 2005/0203918 to Holbrook (“Holbrook”). The Examiner rejects claim 30 as obvious over Spinellis and Rothmuller further in view of United States patent no. 6,785,864 to Te et al. (“Te”). Finally, the Examiner rejects claim 33 as obvious over Spinellis. Applicants respectfully disagree.

Though the prior art references need not teach or suggest each and every limitation of a claim for that claim to be obvious, Applicants contend that the differences between the rejected claims and the references cited are sufficiently great so as to render the claimed invention non-obvious to one of ordinary skill in the art at the time the invention was made. Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57526, 57527-28 (Oct. 10, 2007) (“[T]he focus when making a determination of obviousness should be on what a person of ordinary skill in the pertinent art would have known at the time of the invention, and *on what such a person would have reasonably expected to have been able to do in view of that knowledge.*”) (emphasis added). In particular, Applicants contend that none of the cited references, taken alone or in combination, teach or suggest “automatically arranging the geo-coded content items on the selected map based on the geographic coding thereof[.]”

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

Accordingly, Applicants contend that one of ordinary skill in the art would not have learned the claimed invention from the asserted references without the improper use of hindsight in light of the claimed invention.

Claim 10 depends from claim 1, while the remaining claims depend from claim 13. The shortcomings of Spinellis with respect to claims 1 and 13 are discussed at length above. None of the additional references address or overcome these shortcomings. Applicants therefore submit that the claimed invention is substantially different from, and therefore non-obvious over, the asserted references. The rejections under 35 U.S.C. § 103 should be withdrawn.

Application No. 10/810,376
Office action dated May 14, 2008
Response dated November 12, 2008

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and request that all rejections be withdrawn, that all pending claims be allowed, and that the application be passed to issue. If, for any reason, the Examiner finds the application to be in other than condition for allowance, the Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

Applicants have provided for a three month extension of time herewith. Authorization is hereby granted to charge any fees due with the filing of this document to Deposit Account No. 50-1129 with reference to Attorney Docket No. 81190-0008.

Respectfully submitted,

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